

Appl. No. : 09/771,043
Filed : January 26, 2001

REMARKS

Claims 1-3, 5-6, 8-9, and 11-12 have been cancelled. Claims 4 and 7 have been amended. Claims 4, 7, 10, and 13 are now pending in this application. Support for the amendments is found in the existing claims and the specification as discussed below. Accordingly, the amendments do not constitute the addition of new matter. Applicant respectfully requests the entry of the amendments and reconsideration of the application in view of the amendments and the following remarks.

Rejection under 35 U.S.C. § 103(a)

Claims 4, 7, 10 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Saiki, et al. (PNAS vol. 86, pp 6230-6234, 1989) in view of Ness, et al. (US 6,815,212).

The Examiner stated in the Office Action mailed 6/8/05 that arguments were not persuasive because the open language "comprising" could include an amine as taught by Ness, et al. to help the attachment of the nucleic acid to the plastic.

With this amendment, Applicants have amended claims 4 and 7 to clarify that the substrate may include a carrier which consists of the plastic. That is, as taught by the present specification, the substrate itself may be a plastic (present specification, page 10, lines 10-11) or may have a carrier (present specification, page 11, lines 9-13) which may be a plastic (present specification, page 12, lines 1-10). Claims 4 and 7 have been further amended to clarify that the polymer reacts with the plastic. Support for the amendment is found in the present specification at page 11, lines 9-17. The specific plastics included within the scope of the claims are listed in a Markush group. This Markush group does not include any compounds having a primary amine group and the language is closed. Accordingly, the cited references, taken separately or together do not teach all of the limitations of the present claims.

In view of Applicants' amendments, reconsideration and withdrawal of the above ground of rejection is respectfully requested.

CONCLUSION

In view of Applicants' amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the

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application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Aug 30, 2005

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